

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REDACTED

CALLAWAY GOLF COMPANY,

C. A. No. 06-91 (SLR)

Plaintiff,

v.

ACUSHNET COMPANY,

**FILED UNDER SEAL – CONFIDENTIAL
INFORMATION – SUBJECT TO
PROTECTIVE ORDER – NOT TO BE
DISCLOSED EXCEPT BY COURT
ORDER OR WRITTEN STIPULATION
OF THE PARTIES**

Defendant.

**DECLARATION OF STEVEN OGG IN SUPPORT OF PLAINTIFF
CALLAWAY GOLF COMPANY'S MOTION TO DISQUALIFY DAVID
FELKER AS AN EXPERT IN THIS CASE**

I, Steven Ogg, declare as follows:

1. I am Vice President of Research and Development for Callaway Golf Ball Company ("Callaway Golf Ball"). I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. I began work for Callaway Golf in September 1997. I was originally hired as a research scientist in the Research and Development division at Callaway Golf Ball, a wholly owned subsidiary of Callaway Golf, by Dr. David L. Felker, who was then Vice President in charge of golf ball research and development. From September 1997 through October 2000, I reported directly to Dr. Felker and would work closely with him on the development of Callaway Golf Ball's products.

3. My duties included research and development regarding golf balls. I was part of the team at Callaway Golf Ball that in May 1998 decided to proceed with the development, manufacture and eventual launch of a three-piece urethane covered golf ball, which at the time was referred within Callaway Golf Ball as the CB-3 and which was launched by Callaway Golf Ball as the Rule 35 golf ball in January 2000. That team also included, among others, Dr. Felker and eventually Michael Catania, an in-house attorney for Callaway Golf.

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4. The development work on the CB-3 continued through the summer of 1999. During that time, I was a member of the leadership team responsible for

I participated, with Dr.

Felker, in weekly meetings regarding the progress on

Dr. Felker and his direct reports, including myself, would often have technical discussions regarding and what changes we might try in order to improve the product.

5.

That

formulation was then sent to the manufacturing division and Callaway Golf Ball put the CB-3 Ball into production.

6.

Dr. Felker, other senior research and development personnel, and at times Mr. Catania, also attended and participated in those meetings. During those meetings,

7. The CB-3 ball was launched as the Rule 35 ball in January 2000. I was involved, along with Dr. Felker, in the preparations and actual launch of the Rule 35 ball. The Rule 35 ball revolutionized the golf ball industry. It was extremely successful in its initial launch, and quickly gained popularity among professional, amateur and recreational players.

8. Dr. Felker left Callaway Golf Ball in October 2000. However, I know that Dr. Felker continued to work with Callaway Golf in some sort of consulting capacity after he left.

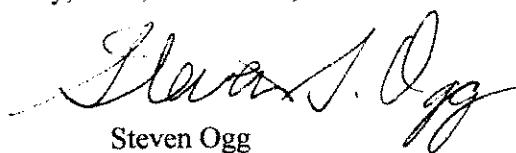
9. In 2006, the above-titled suit between Callaway Golf and Acushnet came up as a topic of conversation between Dr. Felker and me. At that time, Dr. Felker told me that he would not work for either Callaway Golf or Acushnet in relation to the suit.

10. In late 2006, I approached Dr. Felker about hiring him as a technical consultant for the golf ball division. That position involved helping with the development of new golf ball products at Callaway Golf Ball and was unrelated to any litigation. Dr. Felker initially appeared very excited about working for Callaway Golf Ball as a technical consultant. Dr. Felker told me that the consulting position with Callaway Golf Ball would help to further his credibility in the golf industry. In November 2006, after our initial discussions regarding the consulting position and a few preliminary negotiations, Dr. Felker told me that the lawyers for Acushnet did not want him to consult for Callaway Golf.

11. I have not had any other communications with Dr. Felker since November 2006.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12th day of January, 2007, at Carlsbad, California.


Steven Ogg 1/12/07

CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2007, I electronically filed the **REDACTED**
VERSION OF DECLARATION OF STEVEN OGG IN SUPPORT OF PLAINTIFF
CALLAWAY GOLF COMPANY'S MOTION TO DISQUALIFY DEFENDANT
ACUSHNET COMPANY'S EXPERT DAVID FELKER with the Clerk of Court using
CM/ECF which will send electronic notification of such filing(s) to the following Delaware
counsel. In addition, the filing will also be sent via hand delivery:

Richard L. Horwitz
David E. Moore
Potter Anderson & Corroon LLP
Hercules Plaza, 6th floor
1313 N. Market Street
Wilmington, DE 19801

Attorneys for Defendant
ACUSHNET COMPANY

I hereby certify that on January 24, 2007, I have mailed by United States Postal Service,
the document(s) to the following non-registered participants:

Joseph P. Lavelle
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004

Attorneys for Defendant
ACUSHNET COMPANY

/s/ Thomas L. Halkowski
Thomas L. Halkowski